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OFFICE OF PETITIONS

In re Patent of Wehling et al.: DECISION ON REQUEST
Patent No. 7,815,897 : FOR
Issue Date: October 19, 2010 : RECONSIDERATION OF
Application No. 10/743,118 : PATENT TERM ADJUSTMENT
Filed: December 22, 2003 : and
Atty Docket No. 208-015US1 : NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on October 28, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand nine hundred nine (1909) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand nine hundred nine (1909) days is **GRANTED**.

The sole issue pertains to the three years to issue guarantee of 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b) (hereinafter, "B delay").

The period of B delay in this case is 276 days. Unless a Request for Continued Examination ("RCE") is filed, the period of B Delay ends of the date the patent issues. No RCE was filed in this case. The maximum period of B Delay in this case is 1397 days, which is the number of days beginning on December 23, 2006, the day after the date three years after the application's filing date, and ending on October 19, 2010, the date of patent issuance.

As stated in 35 U.S.C. 154(b)(1)(B)(ii), B delay does not include "any time consumed by appellate review by the Board of Patent Appeals and Interferences." Excluding the 1121 days


consumed by appellate review results in a period of B delay of 276 days (1397 - 1121).

In light of the above, the patent term adjustment is 1909 days, which is the sum of 546 days of A delay and 276 days of B delay and 1121 days of C delay, reduced by 34 days of applicant delay.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e).

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand nine hundred nine (1909)** days.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,815,897 B1

DATED : October 19, 2010

DRAFT

INVENTOR(S) : Wehling et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 1690 days

Delete the phrase "by 1690 days" and insert – by 1909 days--